COMMENTS OF THE SPECIES SURVIVAL NETWORK ON THE PROVISIONAL ASSESSMENTS BY THE SECRETARIAT OF PROPOSALS TO AMEND APPENDICES I AND II AT CITES COP 15

Proposal 1: *Canis lupus* – Addition of an annotation to the species *Canis lupus* listed in Appendices I and II reading: "Excludes the domesticated form and the dingo which are referenced as *Canis lupus familiaris* and *Canis lupus dingo"*.
Proponent: Switzerland, as Depositary Government, at the request of the Animals Committee

► SSN supports this proposal and agrees that neither domesticated forms of the dog nor the dingo have ever been treated as being covered by the listing of *Canis lupus* in the Appendices. The proposal simply clarifies this point so as to be consistent with the current CITES-approved mammal reference.

Proposal 2: *Lynx rufus* – Deletion from Appendix II.
Proponent: United States of America

► SSN opposes this proposal.

1. "*The species has twice been proposed for deletion from Appendix II. At the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004), the proponent acknowledged the concerns of some Parties and observers regarding enforcement, arising from the similarity of appearance between* L. rufus *and other cat species, and agreed to withdraw the proposal in favour of Decision 13.93 directed to the Animals Committee. At the 14th meeting of the Conference of the Parties (CoP14, The Hague, 2007), the proponent stated that, if the proposal were accepted, the United States would list the species on Appendix III and conduct workshops on the techniques for identifying skins."*

SSN generally agrees with the Secretariat's summary of the history of this proposal though SSN notes that this is the fourth time that the United States is proposing to delist the bobcat from CITES Appendix II. SSN continues to have concerns pertaining to the similarity of appearance of skins and other products from *L. rufus* and other *Lynx* species and does not believe that an Appendix III listing would be sufficient to solve these trade concerns.

Parties have rejected previous proposals to delist this species, most recently at CoP14, because *Lynx rufus* specimens are similar in appearance to skins, parts and products of other small spotted cats, including the IUCN-designated Critically Endangered Iberian lynx (*Lynx pardinus*), the Near Threatened Eurasian lynx (*Lynx lynx*), the Canada lynx (*Lynx canadensis*) (threatened under the US Endangered Species Act), as well as the Mexican bobcat (*Lynx rufus escuinapae*) (endangered under the US Endangered Species Act). All of these are listed on Appendices I or II of CITES. There is tremendous variation in pelt color and spotting pattern within and among *Lynx* species; for example, the Eurasian lynx has at least four color morphs (grayish, rusty, yellowish and reddish) and four major coat patterns (large spots, small spots, rosettes and unspotted) (Thuler 2002).

The proposal states that listing the bobcat on Appendix II due to similarity of appearance to other felids is no longer warranted. In support of this claim, it states that the U.S. has "produced a web-based *Lynx* identification manual designed for use by CITES authorities and other enforcement officials … designed as an aide in distinguishing ***full skins and skins lacking a***

head and tail of *L. rufus* and *Lynx* spp. (*emphasis added*)." However, the proposal admits that skins (includes skins lacking a head and tail) comprise only 89% of *Lynx* specimens legally traded 2002-2006 (337,547 skins of 380,158 specimens total). This means that 11% of *Lynx* specimens legally traded in this period, or 42,611 specimens were **not** full skins or skins lacking a head and tail only, and would **not** be identifiable to the species level using the new *Lynx* identification manual.

Although the proposal states that, "in the opinion of industry representatives, distinguishing *L. rufus* parts, pieces and derivatives from those of *Lynx canadensis* is not difficult and can be accomplished with limited experience and/or training", this is irrelevant to distinguishing specimens of these species from those of *L. pardinus* or *L. lynx*. According to the U.S. Fish and Wildlife Service National Wildlife Forensics Laboratory, skin pieces from these species are so similar that they cannot be distinguished even with forensic laboratory analysis. Moreover, the report prepared by TRAFFIC North America examining the illegal trade in *Lynx* species and assessing look-alike concerns was deficient. Among other problems, the authors sought information about look-alike concerns solely from fur industry representatives instead of seeking out the opinion of law enforcement and customs agents who are actually responsible for making those determinations at ports of entry.

Furthermore, SSN notes that the United States, despite stating in AC23 Doc. 11.2.1 that it would submit a "final report" on its periodic review of Felidae and, specifically, *Lynx* species to "the Animals Committee at its 24th meeting for a final review and recommendation, has failed to do so. At AC24, the United States submitted another progress report in which it indicated its commitment to proceeding forward to address look-alike issues raised at a *Lynx* meeting held in Brussels in October 2008. Until and unless those commitments are satisfied and a final report is prepared, this proposal is premature.

2. *"In relation to look-alike concerns, the proponent provides a brief summary of the outcome of a meeting held in Brussels in October 2008 for the purpose of discussing the degree of illegal trade in* Lynx *spp. related to* L. rufus *look-alike concerns."*

SSN notes that the "brief summary" provided by the proponent is woefully incomplete. It does not adequately summarize the poaching and seizure data collected by TRAFFIC Europe and summarized in its October 2008 report. More importantly, at the October 2008 meeting, attended by the US, Mexico, Canada and the range States of *Lynx lynx* and *Lynx pardinus*, the participants agreed to take additional actions, most notably:

> "The U.S. would discuss the issue further with the Russian Federation as one of the main range States for *Lynx lynx*. It was furthermore acknowledged that much more information would be needed on the trade in *Lynx* species between the Russian Federation and China as well as other Asian countries (range States of *Lynx lynx*), including enforcement problems encountered. Furthermore, illegal trade in *Lynx lynx* to the EU from Russian Federation should be considered. Finally, it was thought useful to contact the relevant species (Cat) specialist group of IUCN."

Considering the significant proportion of *Lynx* specimen seizures documented in the TRAFFIC Europe report originating in the Russian Federation as well as the potential high demand for *Lynx* specimens in China and other Asian countries, it is premature to delist or downlist *Lynx rufus* until, at a minimum, these additional investigations are conducted.

3. *"To facilitate species identification, the U.S. Fish and Wildlife Service had previously produced a Web-based Lynx identification manual designed for use by CITES authorities and other enforcement officials. However, information about whether this manual has been updated since CoP14 is missing and the proponent does not give a URL to the identification manual as in proposal CoP14 Prop. 2."*

SSN notes that the cited *Lynx* identification manual has not been made available to all Parties for their review and evaluation. SSN, however, has secured a copy of the manual and believes it is an inadequate and unreliable tool for accurately distinguishing between skins or other specimens of the various *Lynx* species.

It is well established that pelage color can change as an individual of a *Lynx* species ages. There is also evidence of seasonal changes in pelt color. These facts alone render the manual insufficient to distinguish among *Lynx* spp. Moreover, there are only minimal differences between the coloration of *Lynx rufus*, *L. lynx*, *L. canadensis*, and *L. pardinus*. The identification manual specifies that the dorsal side of *Lynx rufus* is "dominated by reddish-brown or tawny colours." *L. lynx* and *L. canadensis* are described as "dominated by grayish-silver colours," and *L. pardinus* is described as "yellowish-red or tawny." However, the IUCN Cat Specialist Group indicates that in *L. rufus* "pelt coloration has been variously described as light grey, yellowish brown, buff, brown and reddish brown," in *L. canadensis* "pelage is reddish-brown to gray," and in *L. lynx* the "coat is greyish, with tint varying from rusty to yellowish." The pelt color of *L. pardinus* is described on another website as "typically grayish, with tints varying from yellowish to rusty." Therefore, despite differences among the pelage colors, the different *Lynx* spp. can be remarkably similar, making pelt color an inaccurate tool for species identification.

Pelt pattern and ear tuft length are also imprecise indicators of species identity. There can, for example, be considerable variation in pelt pattern among individuals within each species. Photographic evidence has been obtained of a *L. pardinus* that has a pelt pattern remarkably similar to *L. rufus* (see http://www.arkive.org/iberian-lynx-pardinus/image-G1626.html; compare to *L. rufus* pelt pattern). This variability in pelt pattern is also noted in the manual which refers, on page 4, to an "**unusually heavily** spotted *L. rufus*" (emphasis added). Ear tuft length changes with the age of the animal, and is therefore not an accurate guide to distinguishing *Lynx* species.

Furthermore, the *Lynx* identification manual is ostensibly designed to aid enforcement personnel in distinguishing *Lynx* species based on ear tufts, pelt color, pelt pattern, and tail color using **full skins**, with or without ears and tails. According to trade statistics, however, approximately 11 percent of *Lynx* specimens in legal trade are not full skins and lack ears and tails, making the identification manual useless for identifying them. Similarly, according to the proposal, 15 percent of *Lynx* specimens seized in illegal trade were not skins; the number of the remainder lacking ears or tails was not disclosed.

SSN also notes that distinguishing between *L. rufus* and *L. canadensis* is not particularly relevant in regard to the controversy surrounding the delisting or downlisting of *L. rufus*. What is critically important is whether *L. rufus* skins and specimens can be accurately distinguished from *L. lynx* and *L. Pardinus,* considering the decline of *L. lynx* globally (and Endangered status for localized populations in Europe) and the Critically Endangered status of *L. pardinus*.

At a minimum, therefore, any delisting or downlisting of *L. rufus* must be deferred pending careful review and evaluation of the 2009 lynx identification manual, implementation of a

proper training program to aid law enforcement agents in its use, and a multi-year field test of its efficacy and accuracy in identifying *Lynx* skins and other specimens.

4. *"The supporting statement also lacks the information on training of enforcement officers mentioned in proposal CoP14 Prop. 2."*

SSN concurs with the Secretariat's assessment and, as stated above, indicates its strong support for, as minimum actions, the implementation of an evaluation of the *Lynx* identification manual, an enforcement officer training strategy, and multi-year field testing of the manual as a prerequisite to further consideration of delisting or downlisting. Such actions should be undertaken at the cost of the proponent.

5. *"The proponent provides new information on the status and distribution of the species in the United States, Canada and Mexico. The population appears stable or increasing, with range expansions noted in some areas, supporting the contention that the species does not meet the criteria in Annex 2a of Resolution Conf. 9.24 (Rev. CoP14)."*

A significant criticism of CoP14 Prop. 2 was its reference to old population data. The proponent has attempted to address this criticism by conducting a survey (cited in the proposal as "Roberts, N.M. 2008. Bobcat distribution, population status, and monitoring in North America. Cornell University. Ithaca, NY. USA) to reassess the status of *L. rufus* in order to obtain an updated population estimate for the U.S. and Canada. SSN also notes that in AC24 Doc. 10.3, the United States references the survey conducted in 2008 and reports that "the results of this survey will be published in the scientific literature and available soon." To date, however, the report the proposal cites remains unpublished, possibly unreviewed, and very difficult to obtain. Any discussion on a proposal to delist or downlist *L. rufus* should be delayed until the results of this survey are published and made available to Parties and observers for a sufficient period of time to permit review and assessment of its accuracy.

As noted in the proposal, population estimates for *L. rufus* are difficult due to their cryptic and primarily nocturnal behaviour. As a result, numerous indices have been employed by different jurisdictions to determine range, occupancy of habitats, and geographic and numeric trends for *L. rufus* populations. None of these indices or their underlying methodologies are considered to be highly precise, and therefore population estimates and trends are unlikely to be accurate and are subject to much dispute.

The proponent, citing Roberts 2008, reported that of the 45 jurisdictions reporting on indices/methodologies used to monitor populations, 73 percent used harvest data analysis rather than field studies for monitoring purposes. Using harvest data analysis to monitor *L. rufus* population can be particularly misleading and inaccurate. Harvest levels are directly tied to pelt prices and can be affected by economic conditions, climate patterns, trapper/hunter interest, and hunter/trapper experience. An increase harvest levels therefore does not necessarily reflect an increasing population.

An SSN member organization has compiled preliminary harvest data for each state in the United States that permits trapping/hunting of bobcats. In many states, as indicated below, there has been a substantial increase in the number of *L. rufus* killed over the past decade:

Harvest of *Lynx rufus* for U.S. States that Permit Trapping / Hunting		
STATE	**YEAR 1996**	**YEAR 2007**
Arizona	547	3276
Kentucky	212	2387
Minnesota	134	702
Mississippi	293	2071 (2006)
Missouri	1302	3706
Nebraska	318 (1997)	1579
New Mexico	158	4240
Utah	896	3377 (2006)
West Virginia	591	1976
Wisconsin	166	477
Wyoming	1135	3036

6. *"Concerning Annex 2b of Resolution Conf. 9.24 (Rev. CoP14) the proponent analyses the trade data from 2002 to 2006 in the CITES trade database, which shows that 89% of all legally traded items of* Lynx *spp. consisted of skins, of which 77% were* L. rufus*. … The proponent explains that since skins are almost always auctioned in a dry, untanned form, and are almost always complete, no significant look-alike problem will exist because such skins can be identified using guides it has produced. The supporting statement also gives new information based on data from the CITES trade database on the number of illegally traded specimens in the years 2005 and 2006, which proves to be negligible."*

SSN notes that the proposal indicates that 11 percent of all legally traded items of *Lynx* species between 2002-2006, or 42,611 specimens, were **not** full skins or skins lacking a head and tail only and, hence, there remains a significant potential look-alike problem. This is of concern in regard to *L. pardinus* and *L. lynx* given their seriously depleted or declining population status. Even minimal illegal trade in *L. pardinus*, of which only 84-143 remain in the wild, would be devastating to the wild population. Furthermore, as discussed above, even for the remaining specimens the natural, seasonal, and age-related variations in pelt color, pattern and ear-tuft length among *Lynx* species mean that the *Lynx* identification manual does not provide a foolproof means of distinguishing among species.

Based on the foregoing, *L. rufus* continues to meet the criteria for listing on Appendix II (RC 9.24 (Rev. CoP13), Annex 2 b), paragraph A, and should in any case be maintained on the Appendices for look-alike reasons despite the proponents assurances to the contrary.

Proposal 3: *Ursus maritimus* – Transfer from Appendix II to Appendix I.
Proponent: United States of America

► SSN supports this proposal.

1. *"Due to the extreme nature of the environmental conditions where they occur, it is very difficult to characterize accurately the population status or trends. There are presently believed to be between 20,000 and 25,000 polar bears in 19 or 20 putative populations."*

While the Secretariat has accurately quoted these two sentences from Proposal 3, it has not provided the essential text on population status or trends given in the Proposal, thus leaving the

impression that population status and trends are unknown or the result of guesswork, which is incorrect. Proposal 3, page 4, states,

> "Over the past 30+ years, however, many field studies have enhanced our knowledge of polar bear population trends (e.g., Andersen et al. 2008; Aars et al. 2009). The number of polar bears, based on this research, is decreasing throughout their range (NatureServe 2008; Schliebe et al. 2006; Aars et al. 2006; IUCN/SSC PBSG 2009a,b,c). The IUCN/SSC Polar Bear Specialist Group met in 2005 and evaluated the status of the polar bear (Aars et al. 2006:33-55). At that time: 2 populations of 19 were categorized as increasing, 5 as stable, 5 as declining, 6 as data deficient, and 1 unknown. Polar bear species specialists met twice in 2009 and evaluated the latest population information: Meeting of the Parties to the 1973 Agreement on the Conservation of Polar Bears [Directorate for Nature Management (2009:31-32)] and IUCN/SSC Polar Bear Specialist Group 15th Meeting (IUCN/SSC PBSG Polar Bear Specialist Group 2009). Reviewing the latest information available, the PBSG concluded that 1 of 19 subpopulations is currently increasing, 3 are stable and 8 are declining. For the remaining 7 subpopulations, available data were insufficient to provide an assessment of current trend. The total number of polar bears is still thought to be between 20,000 and 25,000, but based on this 2009 assessment, fewer populations are increasing or stable (4 populations of 19), while more populations are declining or data deficient (15 populations of 19). In 2008, the IUCN listed the polar bear as Vulnerable based on IUCN criterion A3c based on a suspected population reduction of >30% within three generations (45 years) due to decline in area of occupancy, extent of occurrence and habitat quality (Schliebe et al. 2008). Some experts have concluded that polar bears will not survive due to the complete loss of summer sea ice (ACIA 2004a; ACIA 2004b; Derocher et al. 2004; Amstrup et al. 2007; Amstrup et al. 2009)."

2. *"The supporting statement does not provide information on the carrying capacity of the suitable habitat and availability of food sources."*

This critique is irrelevant because Resolution Conf. 9.24 (Rev. CoP14), on *Criteria for amendment of Appendices I and II*, does not require that information on carrying capacity and availability of food sources be addressed in a proposal. Nonetheless, the Proposal focuses extensively on the loss of sea ice and how this negatively affects polar bears, the implication being that carrying capacity of the habitat is decreasing. The Proposal also addresses how sea ice is vital to the way in which polar bears hunt seals, their primary food source, and how in warming areas, bears are malnourished (see pages 2, 3 and 5 of the Proposal).

3. *"According to the guidelines provided in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14), the species should exhibit a marked historical decline to around 5 %-30 % of its population baseline or a recent decline of 50 % in its population size during the last three generations. However, the supporting statement speaks more of potential population declines in the future, rather than declines which have already occurred."*

Firstly, Proposal 3 provides detailed information on the decreasing number of polar bears throughout their range (see response to statement 1, above) which demonstrates that the population decline is not only projected, it has happened and is happening now. In addition, the Secretariat's assessment ignores the fact that a species qualifies for Appendix I when it can be *projected* to experience a marked decline in population size, which is clearly the case for the polar bear (Resolution Conf. 9.24 (Rev. CoP14), Annex 1, paragraph C) ii)). Annex 5 of the Resolution states that "a general guideline for a marked recent rate of decline is a percentage decline of 50% or more in the last 10 years or three generations, whichever is the longer." In

2007, the U.S. Geological Survey (USGS), using the best climate change models and science available, predicted range-wide polar bear population declines of approximately 71% of the total population within 45 years (three generations) and 80% within a century (Amstrup et al. 2007). The USGS projection must be viewed as conservative because the actual observed rate of sea ice loss has exceeded that used to make this projection.

4. *"Concerning the trade criterion, the supporting statement demonstrates that the species is in international trade but not necessarily that such trade has or may have a detrimental impact on the status of the species, as required in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14)."*

As Greenland temporarily suspended exports in 2008, Canada is the only range State that currently allows the export of polar bear specimens for commercial purposes. In December 2009, Canada issued a polar bear non-detriment finding that states, "The best available scientific information indicates that the Baffin Bay subpopulation is substantially over-harvested in Canada and subsequent international export of polar bear products is therefore considered detrimental." Of the 13 populations in Canada, seven are declining. All of these declining populations have been over-exploited or harvest quotas are considered unsustainable according to experts and importing countries (source cited following each population named): Baffin Bay and Kane Basin (IUCN/SSC PBSG 2009); Norwegian Bay and Lancaster Sound (Taylor 2008); Gulf of Boothia, M'Clintock Channel, and Viscount Melville Sound (USFWS 2008). Canada continues to allow hunting in declining and overexploited populations. If the offtake is unsustainable, and a portion of the offtake is for international commercial trade, then it certainly can be said that trade "may" have a detrimental impact on the status of the species. In addition, Canada's recent finding that international export of polar bear products from its Baffin Bay population is detrimental means the trade criterion certainly has been met.

5. *"The supporting statement gives some rather contradictory information on the commercial use of this species. The principle domestic use of polar bears is said to be in Canada, Greenland (Denmark) and the United States, and for subsistence purposes. In Norway and the Russian Federation, commercial and subsistence use and sport hunting of polar bears are prohibited. However, according to the Marine Mammal Commission of the United States, commercial hunting and use of polar bear skins have been prohibited throughout the polar bear's range since 1973."*

There is nothing "contradictory" about these statements. While the statement of the Marine Mammal Commission is not completely accurate, the Secretariat has failed to consider the statement in the context of the Proposal as a whole. Taken in context, this statement is a reference to the Agreement on the Conservation of Polar Bears of 1973 which, as pointed out in the Proposal, section 8.3.1, page 14, does not include a range-wide restriction on commercial hunting and use. The Agreement, Article III, paragraph 2) prohibits the commercial use of skins and other items of value resulting from taking for "conservation purposes" (Article III, paragraph 1) b)) or to "prevent serious disturbance to the management of other living resources" (Article III, paragraph 1) c)). But this prohibition on commercial use does not apply to other forms of allowed take such as "by local people using traditional methods in the exercise of their traditional rights and in accordance with the laws of that Party" (Article III, paragraph 1) d)) or "wherever polar bears have or might have been subject to taking by traditional means by its nationals" (Article III, paragraph 1) e)).

6. *"Although it is difficult to equate these data accurately to a specific numbers of bears, the CITES trade database shows that, between 1992 and 2006, an average of 216 were exported annually and the level of commercial trade in skins has increased since the 1990s. Of skins*

exported, 87 % originated from and were exported by Canada, and 13 % originated from and were exported by Denmark (Greenland). It is interesting to note however, that the most significant importers were some of the range States.

It is worth noting that, according to data in the UNEP-WCMC CITES Trade Database, in 2007, 554 skins were traded internationally for commercial purposes, the largest figure in the past ten years; Canada has argued that this figure represents both skins and skin pieces, but admits that it represents hundreds of polar bears. In addition, 139 trophies were also traded that year, one of the largest years on record. Also, it is not true that "the most significant importers were some of the range States." As explained in the Proposal, section 6.2, pages 7-8, the most significant product commercially exported is skin and Japan imported 58% of skins traded between 1992 and 2006. Denmark, which was not combined with Greenland in the analysis and therefore is not a range State, was the second largest importer of skins, at 15%. Norway, the only range State among the top three importing countries, imported 12%; the Proposal explains, on page 10, that Canadian polar bear skins are imported by Norway where they are sold as tourist souvenirs.

7. *"In Canada, the annual mean international export for 2004-2008 is said to be approximately 300 polar bears. This figure represents about 2 % of the Canadian polar bear population."*

This statement was made by Canada in response to the U.S. consultation on its Proposal. However, the 2% does not include all forms of human-caused mortality. And the figure must be evaluated in the context of the life history characteristics of the species. Polar bears are extremely vulnerable to overexploitation as they rely on high adult survivorship to maintain their numbers. Bears who make it to adulthood experience very low mortality (principle causes of death being hunting by humans and old age), whereas cubs experience very high mortality. Consequently, hunting of all sorts, which takes only adult bears, and which in historic times never reached today's levels, poses a significant additive threat to polar bear populations.

8. *"Regulatory mechanisms directed specifically at potential threats to polar bears, such as overharvesting, exist in all of the countries where the species occurs, as well as in bilateral and multilateral agreements between the range countries."*

It is a mischaracterization of the Proposal and of international law to say that there are existing multilateral agreements that provide regulatory mechanisms governing overharvesting of polar bears. There are a few bilateral agreements addressing offtake levels (not necessarily adequately) of limited shared populations of bears in certain border regions (U.S.-Russia, U.S.-Canada, and recently Canada-Greenland, although no offtake levels have yet been agreed under this agreement), but there is no multilateral agreement broadly regulating harvesting. As indicated above, in response to comment number 5, the Agreement on the Conservation of Polar Bears does not provide a regulatory restriction on the general commercial or other uses of polar bears nor does it provide a regulatory mechanism for setting harvest levels; such regulation is left solely to that Agreement's member States.

9. *"The opinion of other range States on this proposal is either not indicated or not supportive."*
This statement implies that range States consensus on listing proposals is required, which is not the case. It also implies that other range States have decided to oppose the Proposal, which is not true. According to the information in the Proposal, section 10, pages 15-16, none of the range States stated definitively that they would oppose the Proposal.

10. *"Canada stated that international trade is not a threat to the species population and a ban on trade will have no impact on quotas, but it might have a negative impact on conservation."*

Although a ban on international trade would not necessarily affect harvest quotas, which is a domestic issue, it would likely affect the fulfillment of the quotas. Polar bear hunting for commercial trade is an expensive proposition due to the need for the hunter to travel to the remote areas where polar bears live; it is also dangerous both because of the bears and because of the worsening ice conditions. Hunters may be unwilling to incur such expense and risks to their personal safety when they are unable to sell the skins and other parts. Consequently, several hundred adult polar bears would most likely remain alive in wild, which would benefit conservation of the species. In light of this, and without additional information, it is difficult to understand the basis for Canada's comment that a ban on trade will have a negative impact on conservation.

11. "*Resolution Conf. 8.3 (Rev. CoP13) on* Recognition of the benefits of trade in wildlife *recognizes that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor. Although it does appear that the principle substantive use of this species is by native communities, the supporting statement does not address this issue."*

Appendix I listing will have absolutely no impact on the subsistence use of polar bears by native communities. Furthermore, Resolution Conf. 8.3 (Rev. CoP13) clearly refers to implementation of CITES-listing decisions, not the making of listing decisions. It therefore is inappropriate for the Secretariat to imply that this is a requirement for listing proposals. In fact, as the Secretariat well knows, the Parties rejected including a criterion on "potential impacts on the livelihoods of the poor" in Resolution Conf. 9.24 (Rev. CoP14), on *Criteria for the amendment of Appendices I and II*. Thus, the U.S. is under no obligation to address this in its Proposal and the Secretariat's comment is irrelevant.

Proposal 4: *Loxodonta africana* – Transfer the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation
Proponent: United Republic of Tanzania

Proposal 5: *Loxodonta africana* – Transfer of the population of Zambia from Appendix I to Appendix II for the exclusive purposes
Proponent: Zambia

► SSN opposes these proposals.

1. "*The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 on* Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, and will therefore comment at a later stage."*

SSN is concerned by the Secretariat's failure to comment on these proposals. Moreover, SSN is very concerned that, contrary to the requirements of Resolution Conf. 10.9, a Panel of Experts (PoE) was not convened within two months of receipt of the proposals. Now, nearly three months after receipt of the proposals, the Secretariat has failed to convene a PoE. It is unlikely that a PoE will be able to carry out the tasks mandated to it in a timely manner meaning that Parties will not have had sufficient time to scrutinize its findings before the CoP.

Though no Panel of Expert reports are available, SSN believes there are many reasons why both proposals must be rejected:

A. Both proposals violate the intent of the Parties at CoP14 to provide a 9-year "resting period" for all African elephant populations.

Zambia and Tanzania participated in the negotiations at CoP14 which led to approval of a 9-year ivory trade moratorium, intended to provide a "resting period" for both elephants and CITES (see SSN comments on Prop 6). The resting period is necessary for proper implementation of the Decisions agreed at CoP14, including comprehensive reviews of the impact of legal trade (Decision 14.78), and the establishment of the African Elephant Action Plan and African Elephant Fund (Decision 14.75 and 14.79) and implementation of their conservation initiatives. By submitting these proposals, these Parties have undermined the spirit and intent of the CoP14 agreement even though that agreement, through a technicality of wording, did not specifically prevent new downlisting proposals from coming forward.

B. The proposals by Tanzania and Zambia fail to meet the criteria for amending the Appendices set out in Resolution Conf. 9.24 (Rev. CoP14).

Neither proposal meets the requirements of the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14), and in particular paragraph A.2(ii) which requires "*appropriate enforcement controls*" to be in place before a species is transferred from Appendix I to II. However, poaching and illegal ivory trade remain significant problems in both countries:

Tanzania:

The ETIS report (CoP15 Doc. 44.1 Annex) states that Tanzania "*remains heavily involved in the movement of large-scale consignments of illicit ivory*"; "*Tanzania has either made itself or otherwise been implicated in 15 of the 55 highest volume ivory seizures reported to ETIS*"; "*69% of the trade by weight has involved large-scale ivory seizures, indicating the presence of active and entrenched organised criminal syndicates*"; "*reporting of elephant product seizure cases to ETIS has dropped off considerably in recent years, with only four records received since 2007*"; since 2003 "*only one out of the last eight (soon to be nine) large-scale ivory consignments have been interdicted before export by the Tanzanian authorities themselves. Such events… are suggestive of organised crime and the ability of the country to meet this challenge seems to have become significantly compromised*"; "*the impact of the ivory trade from Tanzania also impacts elephant populations which exist outside of the country*".

Though Proposal 4 contains almost no information regarding poaching, a total of 11,678kg of ivory seized in 2009 is reported to have originated in Tanzania. In addition, DNA analysis has identified the Selous Ecosystem in Tanzania (spilling over to Niassa Game Reserve in Mozambique) as the source of 5.2 tons of ivory seized in Taiwan and 2.6 tons in Hong Kong in 2006 (Wasser *et al.* 2009). A recent press report stated that "*It is believed that an average of 50 elephants are being killed in the Selous each month*".

Zambia:

The ETIS report (CoP15 Doc. 44.1 Annex) states that Zambia [is] "*linked to large-scale ivory seizure events, indicating that highly organised criminal activity is a major feature of ivory movements*"; the country is "*currently active in the illicit ivory trade*" and "*illicit ivory trade*

remains a persistent challenge"; and that ivory is "usually" *illegally exported from Zambia to neighboring Malawi*".

Though Proposal 5 contains little information regarding elephant poaching in Zambia, Dr Saiwana, the then Director of the Zambian Wildlife Authority, recently acknowledged that poaching is a significant, and growing, problem (*The World Today*, 16 October 2009); a 2007 study (Wasser *et al.*) identified Zambia as the source of an illegal shipment of 532 large tusks seized in Singapore; and the results of a 2008 study (Wasser *et al.*) suggest that 42,000 ivory hankos that were part of the same shipment also originated in Zambia. The tusks and hankos together represent more than 6,500kg of ivory.

C. The effects of the previous one-off sale have not yet been properly evaluated and documented.

In October and November 2008, Botswana, South Africa, Zimbabwe and Namibia sold a total of 108 tons of ivory to China and Japan in a 'one-off' sale" approved by the CITES Parties at CoP14. SSN believes it would be inappropriate for any Party to support further trade or downlisting proposals without a full understanding the impact of the 2008 one-off sale. No further ivory trade should be permitted before Decision 14.77, on the decision-making mechanism for a process of trade in ivory, has been complied with.

Proposal 6: *Loxodonta africana*

i) Remove the following paragraph from the annotation regarding the populations of *Loxodonta africana* of Botswana, Namibia, South Africa and Zimbabwe: *h) no further proposals to allow trade in elephant ivory from populations already in Appendix II shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs g) i), g) ii), g) iii), g) vi) and g) vii). In addition such further proposals shall be dealt with in accordance with Decisions 14.77 and 14.78.*

ii) Include an annotation regarding all populations of *Loxodonta africana*, as follows: "No further proposals concerning trade in African elephant ivory, including proposals to downlist elephant populations from Appendix I to Appendix II, shall be submitted to the Conference of the Parties for the period from CoP14 and ending twenty years from the date of the single sale of ivory that took place in November 2008. Following this twenty year resting period, any elephant proposals shall be dealt with in accordance with Decisions 14.77 and 14.78."

iii) Remove paragraph (f) in the annotation to the CITES Appendices governing the elephant populations of Namibia and Zimbabwe: *f) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe.*

Proponent: Congo, Ghana, Kenya, Liberia, Mali, Rwanda and Sierra Leone

► SSN supports this proposal.

1. "*The current annotation was agreed to at CoP14. With regard to trade in raw ivory, it specifies that African elephant range States whose populations are already included in Appendix II (Botswana, Namibia, South Africa and Zimbabwe) should not submit further proposals to allow trade in elephant ivory for a period of nine years after the single sale of their ivory stockpiles (which took place in 2008, i.e. until 2017). These restrictions, regarding the submission of proposals for the four range States would not apply in case their proposals would concern other*

elephant specimens than ivory. They also do not apply to the other African elephant range States, which all have their populations in Appendix I and can therefore submit proposal concerning African elephants or trade in African elephant ivory."

Though the Secretariat is strictly correct here, it fails to take into account the spirit and intent of the compromise agreed at CoP14 as understood by a majority of the range States. At SC58 Kenya, on behalf of 21 African elephant range States, clearly expressed the view that the text of the annotation does not reflect the spirit of the compromise agreed by the range States and that it was the understanding of these Parties that no elephant proposals of any kind would be considered until at least 9 years after the one-off sales were concluded.

2. *"Proposals to amend annotations, even where they do not affect the Appendix in which the populations of the species are presently listed, should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP14). This is established through Resolution Conf. 11.21 (Rev. CoP14) on* Use of annotations in Appendices I and II*. It specifies that substantive annotations relating to species in Appendix I or II, such as those that specify the types of specimens or export quotas, may be introduced, amended or deleted only by the Conference of the Parties in accordance with Article XV of the Convention, and that substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (CoP14), Annex 3."*

Paragraph b) of Resolution Conf. 11.21 (Rev. CoP14) defines two types of substantive annotation:

> *" i) annotations that specify the inclusion or exclusion of designated geographically separate populations, subspecies, species, groups of species, or higher taxa, which may include export quotas; and*
> *ii) annotations that specify the types of specimens or export quotas;"*

The requirements applicable to substantive annotations under Resolution Conf. 11.21 (Rev. CoP14) are as follows:

> *"e) substantive annotations relating to geographically separate populations in Appendix I or II should be in compliance with the split-listing provisions contained in Resolution Conf. 9.24 (Rev. CoP14) Annex 3; and*
> *f) substantive annotations used in the context of transferring a species from Appendix I to Appendix II should be in compliance with the precautionary measures contained in Resolution Conf. 9.24 (Rev. CoP14) Annex 4;"*

Proposal 6 proposes amending the existing annotation for *Loxodonta africana* with respect only to the types of specimens that may be traded, and is therefore covered under paragraph b) ii) of Resolution Conf. 11.21 (Rev. CoP14). It is not part of a proposal to transfer populations from Appendix I to Appendix II, nor does it impact the split-listing of African elephant populations on the CITES Appendices. Paragraphs (e) and (f), which are the only paragraphs in the Resolution that specifically refer to Resolution Conf. 9.24 (Rev. CoP 14), therefore do not apply.

Further, the objection raised by the Secretariat would have applied equally to the annotation agreed upon at CoP14; the proposed amendment does not alter the nature of the annotation with respect to Resolution Conf. 11.21 (Rev. CoP14), only its terms.

3. "*The Secretariat notes that, in any case, the proposed new annotation would not eliminate all trade in ivory but still permit trade in hunting trophies for non-commercial purposes and trade in raw ivory as allowed under the provisions of the Convention and in compliance with Resolution Conf. 10.10 (Rev. CoP14) on Trade in elephant specimens.*"

The quota system for trade in raw ivory set out in Resolution Conf. 10.10 (Rev. CoP 14) is only available for use by a Party which is permitted, under the terms of the listing of *Loxodonta africana* in the CITES Appendices, to trade in ivory other than through one-off sales that must be approved by the Conference of the Parties. At present there are no such Parties, and adopting the present proposal would mean that this situation could not change for twenty years. This will be the case even if the proposals from Tanzania and Zambia are approved at this CoP, as neither of these calls for ongoing ivory sales. The new annotation would therefore prohibit all trade in raw ivory, with the exception of the one-off sales requested by Tanzania and Zambia should these be approved at this CoP (and, as noted, these sales would not be covered by Resolution Conf. 10.10 (Rev. CoP14) in any case).

4. "*Secondly, the proponents propose the deletion of paragraph f) of the annotation concerning the populations of* L. africana *of Botswana, Namibia, South Africa and Zimbabwe (i.e. those populations listed in Appendix II) with the effect that individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes from Namibia and ivory carvings for non-commercial purposes from Zimbabwe would, in future, be treated as specimens included in Appendix I.*"

The Secretariat reported at SC54 and SC58 that Zimbabwe had repeatedly exported ivory from government-owned stocks in contravention of CITES and its own control mechanisms. Significant amounts of this raw ivory were illegally accompanied by export permits issued for legal trade in ivory carvings, supposedly in accordance with current paragraph (f). Namibia banned all trade in ekipas on 1 September 2008 because it was unable to comply with the requirement of the CITES footnote to "mark and certify ekipas." The current annotation in paragraph f) is therefore not properly enforced and should be deleted. Zimbabwe and Namibia would maintain the right to submit a proposal to resume the trade presently covered under current paragraph f) after the resting period proposed in Proposal 6 comes to an end.

5. "*The Secretariat notes that the suggested time-frames and restrictions on the submission of proposals are impossible to guarantee and are incompatible with the text of the Convention, as Article XV of the Convention permits any Party to propose an amendment proposal at or between the meetings of the Conference of the Parties (as shown by the present proposal which seeks to modify a nine-year restriction on the submission of proposals agreed to by consensus at CoP14). Furthermore, the Secretariat believes that the Parties should be ready to apply the criteria for including species in, or deleting them from, Appendix I or Appendix II at any time in the light of changing circumstances in order to act in the best interest of the conservation of the species concerned, and to adopt measures that are proportionate to the anticipated risks to the species.*"

Article XV confers a right upon a Party to submit proposals to amend the Appendices, but the Article does not guarantee that the amendment will be adopted. Instead, this requires acceptance of the proposal by a 2/3 majority of Parties, which will depend on how the proposal is viewed in light of the other provisions of the Convention and the Decisions and Resolutions of the Conference of the Parties. Any proposal under Article XV to amend the Appendices will be scrutinized in terms of the existing annotations, including that proposed here should it be accepted.

SSN notes that the Secretariat's objection could also be made to the annotation adopted at CoP14, which was accepted by the Parties. Although the annotation adopted at CoP14 did not cover proposals to transfer populations from Appendix I to Appendix II the effect under Article XV is the same, as a proposal to amend an annotation, required for approval of future ivory sales, also qualifies as a proposal to amend the Appendices.

The Parties have a perfect right to call for restrictions on the submission of proposals until certain conditions are met. The precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP 14) state, for example, that no species shall be deleted from Appendix I without a transfer to Appendix II for at least two intervals between meetings of the Conference of the Parties. Resolution Conf. 11.4 (Rev. CoP12) has been interpreted as limiting Parties' rights under Article XV by discouraging them from submitting proposals to downlist whales protected from commercial whaling by the International Convention for the Regulation of Whaling (ICRW). Although Parties remain legally entitled under Article XV to submit such proposals, the CoP has consistently refused to approve them.

6. *"Concerning the criteria in Resolution Conf. 9.24 (Rev. CoP14), the supporting statement demonstrates that* L. africana *is affected by trade. With respect to the biological criteria in Annex 1 to the Resolution, the proposal does not appear to demonstrate that the continental wild population is small, has a restricted area of distribution or demonstrated a marked decline in the population size in the wild. Equally, little information is presented on these factors in Namibia and Zimbabwe to demonstrate the necessity to delete paragraph f) of the current annotation for African elephants."*

"The supporting statement provides general information on the continental situation of L. africana*, but with the exception of limited information on trade in worked ivory in Namibia and Zimbabwe, it does not contain specifics on the populations of these two range States, contrary to the provisions of Resolution Conf. 9.24 (Rev. CoP14), under the third RESOLVES."*

As noted above, Proposal 6 is not a proposal to transfer populations between Appendices, nor does it alter existing split listings. The criteria in Resolution Conf. 9.24 (Rev. CoP 14), including those for Appendix I, therefore do not apply. The justification for the proposal relates to trade factors that warrant the change to the annotation, including significant increases in illegal trade and poaching levels, and the need to improve enforcement. The proposal fully addresses these factors.

Furthermore, the proposal is consistent with the precautionary measures contained in Resolution Conf. 9.24 which state "*When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species*".

7. *The proposal indicates that all African elephant range States were consulted and mentions an annex with certain responses; however this annex was not contained in the supporting statement that the Secretariat received. It therefore remains difficult to evaluate compliance with Resolution Conf. 8.21 on Consultation with range States on proposals to amend Appendices I and II."*

The omission of the annex in proposal 6 seems to be an oversight which can easily be corrected by the submission of an information document detailing any responses provided by range States.

Proposal 7: *Anas oustaleti* – Deletion from Appendix I.
Proponent: Switzerland, as Depositary Government, at the request of the Animals Committee

► SSN supports this proposal.

1. *"The supporting statement concludes that all available information indicates that the species is extinct. However in section 4.4, it is noted that researchers and managers in Guam and the Commonwealth of the Northern Mariana Islands where the species occurred believe that it is only probably extinct."*

It is not clear from the proposal whether the researchers and managers on Guam actually believe that the species may survive. The text of section 4.4, however, implies that they do not: "The determination of the investigators at the conclusion of these surveys was that the Mariana Mallard was extinct (Reichel and Lemke 1994). Researchers and managers currently in Guam and the CNMI concur that the Mariana Mallard is probably extinct". Had they held out any real hope for (or had any post-1994 evidence of) the species' survival it is unlikely that they would still "concur" with a 1994 finding of extinction; the word "probably" appears to represent no more than normal caution.

2. "*If the species is extinct, then it clearly would not meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). Were it to be rediscovered, it is highly likely that it would meet several of these criteria."*

SSN concurs with this statement.

3. *"As the supporting statement notes, specimens of this species have been recorded in trade in 1993 and 2005. If the species does still exist, it could be supposed that such trade may have a detrimental impact on the status of the species."*

While SSN agrees that any commercial trade in the species, should it survive, would certainly be detrimental, we note that the proposal states that both shipments probably represent dead biological specimens; in fact the 2005 shipment consisted of ten feathers. It is highly likely that these shipments represent individuals collected before the last reported sighting date in 1979.

4. *"The Secretariat recalls that Paragraph D in Annex 4 (Precautionary measures) of Resolution Conf. 9.24 (Rev. CoP14) states that: Species that are regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the Appendices as 'possibly extinct'."*

While Reichel and Lemke (1994) record a history of local hunting pressure on this species, there appears to be no evidence that it has ever been the subject of commercial trade, and as the species is not particularly distinctive (and may even present identification problems (see below) it is highly unlikely that there would be much commercial interest in it should it reappear. Scientific interest would, of course, be considerable but would probably take the form of intense efforts to protect any remaining population.

5. "Another argument that the supporting statement puts forward is that the name A. oustaleti *is not found in the current standard nomenclatural reference for birds…. it was considered to be probably a hybrid between this species* [Anas poecilorhynchos] *and* Anas platyrhynchos*. Resolution Conf. 9.24 (Rev. CoP14) resolves that hybrids may be specifically included in the*

Appendices, but only if they form distinct and stable populations in the wild. It would appear that the birds which are subject to the present proposal do not fulfil this requirement."

Of course if the species is truly extinct, as it appears to be, it does not form a stable population. However, during its existence it did, in fact, seem to be both distinct and stable (though it occurred in two forms, similar to each of its presumed parent species), enough so to be considered a full species for almost a century. Further, its hybrid origin remains likely, but unproven. If the species has survived it would, in SSN's view, fulfil the requirements of Resolution Conf. 9.24 for the inclusion of hybrids.

Proposal 8: *Crocodylus moreletii* – Transfer from Appendix I to Appendix II with a zero quota for wild specimens.
Proponent: Mexico

► SSN opposes this proposal.

1. "*Guatemala was consulted and it supports the current proposal by Mexico*."

In the response letter from Guatemala to Mexico contained in the proposal, Guatemala clearly states that they will agree to the transfer of ONLY the Mexican population, but that they oppose transfer of their own population to Appendix II due illegal capture and trade of wild specimens, particularly in The Mayan Reserve in the north of Guatemala near Mexico's border. Therefore it is incorrect state that Guatemala supports the proposal.

Proposal 9: *Crocodylus niloticus* – Transfer of the Egyptian population from Appendix I to Appendix II.
Proponent: Egypt

► SSN opposes this proposal.

1 "*The Secretariat therefore believes that the proposal was not submitted in accordance with paragraph e) of Resolution Conf. 11.16 (Rev. CoP14) and that its consideration against the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14) and any of the other precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14) would widen the scope of the proposal, contrary to the Rules of Procedure*."

This statement appears to be in direct contradiction of an earlier statement by the Secretariat in the assessment that, regarding this proposal, "*The supporting statement gives detailed and specific information and references on most aspects of Resolution Conf. 9.24 (Rev. CoP14)*." SSN agrees with this statement, and notes that the proposal provides substantial information on the status and trade of the relevant species.

Complying with a request from the Standing Committee is not a requirement of the CITES listing criteria in Resolution Conf. 9.24. Furthermore, Parties do not have access to a summary record of the 58th meeting of the Standing Committee (it is not posted on the CITES website), nor have they been officially informed (such as through a Notification to the Parties) that the Standing Committee has made such a request. Therefore, this criticism of the proposal is unwarranted.

Proposal 10: *Uromastyx ornata* – Transfer from Appendix II to Appendix I.
Proponent: Israel

► SSN supports this proposal.

1. "*However, it [the proposal] provides very little specific information on population size, area of distribution or the extent of any population decline*."

SSN notes that little information on the decline of this species exists for areas outside of Israel, but that the species' biological characteristics (late maturity, low fecundity and low juvenile survival rates), limited range, fragmented habitat, and great demand in the international pet trade taken together make a compelling case for including this species in Appendix I. We note that it has been reported that the death rate for the species during the first two months of captivity is rumored to be as high as 80%, further fueling the demand for a large number of wild animals to replace those that have died.

2. "*The Secretariat notes that this species was reviewed by the Animals Committee at its 20th meeting (Johannesburg, March-April 2004) in the context of the Review of Significant Trade, but that the Committee concluded that levels of international trade being permitted at that time did not give rise to concerns that Article IV of the Convention was being improperly applied*."

SSN notes that this species was never included in the Review of Significant Trade nor was it considered for inclusion. The 20th meeting of the CITES Animals Committee in March/April 2004 considered a summary of trade data on *Uromastyx* species in general, but did not single out *U. ornata* as it was not included in the CITES checklist until CITES CoP13 in October of that same year.

3. "*The proponent claims that one expected benefit of transferring* U. ornata *to Appendix I is to control commercial trade in this species and to increase awareness among enforcement officials. However, it is difficult to believe that listing in Appendix I would solve this problem as it is not reasonable to expect that a non-expert will be able to identify the species. Israel has offered to prepare the identification sheet for this species for the CITES Identification Manual*."

We note that Israel has offered to prepare the identification sheet for this species for the CITES Identification manual and, contrary to the Secretariat's claim that a non-expert would not be able to easily identify this species, the proposal states that, "*U. ornata* has yellow dorsal spots and bars which may be very pale and faint but always yellow, while these are always white to very pale cream to none at all in *U. ocellata*; the difference in color is subtle when they are hatchlings, but still present."

Proposal 11: *Ctenosaura bakeri*, *C. oedirhina* and *C. melanosterna* – Inclusion in Appendix II.
Proponent: Honduras

► SSN supports this proposal.

1. "*The supporting statement is not specific about which of the criteria in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14) are complied with, but stresses the precautionary approach as there is uncertainty with regard to either the status of a species or the impact of trade on the conservation of a species. It further contends that inclusion in Appendix II would be in the best interest of the conservation of the species concerned and proportionate to the anticipated risks to the species*."

The proponent states clearly, on the first page of the proposal, that the three species meet both criterion A and B in Annex 2 a) of Resolution Conf. 9.24 (Rev. CoP14) and then proceeds to provide supporting information.

2. "*In general, the specific information provided by the proponent is rather incomplete and does not provide the information required in Annex 6 of Resolution Conf. 9.24 (Rev. CoP14). Basic details about the species are not present and there is no mention of population trends, national legal status, population monitoring, habitat conservation or management measures. Information on trade (national, international and illegal) is not broken down to species level, which makes it difficult to appreciate the situation for each taxon. Nevertheless, there does seem to be export of specimens of these species for the pet market, particularly to Europe and the United States, which would be in violation of national law*."

All three species are endemic to Honduras and have restricted distributions: *C bakeri:* Utila Island; total known range is 8 km² of mangrove forest; C. *melanosterna*: Aguan Valley and the islands of Cayos Cochinos; and *C. oedirhina*: Roatan Island, with a total range of less than 100 km².

All three species have small populations: *C bakeri* is Critically Endangered with a population of 10,000 that is stable but expected to decline if threats continue (IUCN 2009); *C. melanosterna* and *C. oedirhina* are both are Critically Endangered, the population sizes of both species are unknown but may be fewer than 2,500 mature individuals each, their populations are severely fragmented both with 10-15 isolated subpopulations, and future population declines of at least 30% are predicted if current rates of habitat loss continue (IUCN 2009).

All three species are threatened by illegal take of wild animals for domestic trade in meat and eggs and are found in international illegal trade to USA and Europe. Specimens are traded internationally as live animals for private collectors, particularly in Europe. 17 specimens of *C. melanosterna* were reported imported to USA in 2004 and 11 in 2007. Prices in Europe and North America for all three species range from USD90-100.

3. "*In view of the similarity between the four species in this genus, it would be useful if the proponent could explain how implementation problems would be avoided if only one of the proposals from Honduras and Guatemala on* Ctenorausa *spp. were adopted at CoP15. This could result in complications for enforcement officials who would need to distinguish* C. bakeri, C. oedirhina *and* C. melanosterna *from* C. palearis*."*

SSN agrees that, if this proposal is adopted at CoP15, then there would be a need for identification materials on this genus. However, as the specimens in trade are live, identification will be easier than is the case with many specimens that are traded as parts and products.

Proposal 12: *Ctenosaura palearis* – Inclusion in Appendix II.
Proponent: Guatemala

► SSN supports this proposal.

1. "*The proponent contends that* Ctenosaura palearis*, endemic to Guatemala, meets the biological criteria for inclusion in Appendix II under Annex 2 a) criteria A to Resolution Conf. 9.24 (Rev. CoP14): regulation of trade in this species is necessary to avoid it becoming eligible for inclusion*

in Appendix I in the near future. However, it is not clear which of the criteria for inclusion in Appendix I is expected to be met in the near future."

It is clear from the information presented in the proposal that the species meets the criteria for listing on Appendix I. It has a restricted distribution to the upper Rio Motagua Valley in Guatemala with a total range of less than 100 km²; it is Critically Endangered and there may be fewer than 2,500 mature individuals remaining in the wild; the population is severely fragmented in probably 10–15 isolated subpopulations; the population has apparently declined over past 20 years; and future population declines of at least 30% are predicted if current rates of habitat loss continue (IUCN 2009). The species is threatened by illegal hunting and habitat loss (only 56% of the original distribution area remains). There is national illegal trade of meat and eggs and international illegal trade for private collectors of live specimens, mainly in USA and Europe (the proposal records prices of USD90 in USA and Europe; Internet searches indicate that specimens sell in Europe for 65-125 Euro each); 240 specimens were reported as imported to USA in 2008; and the species is protected by law, and no permits are issued for trade.

2. "*In view of the similarity between the species, it would be useful if the proponent could explain how implementation problems would be avoided if only one of the proposals from Honduras and Guatemala on* Ctenorausa *spp. were adopted at CoP15. This situation could result in complications for the enforcement officials who would need to distinguish* C. bakeri*,* C. oedirhina *and* C. melanosterna *from* C. palearis*".*

SSN agrees that, if this proposal is adopted at CoP15, then there would be a need for identification materials on this genus. However, as the specimens in trade are live, identification will be easier than is the case with many specimens that are traded as parts and products.

Proposal 13: *Agalychnis* spp. – Inclusion in Appendix II.
Proponent: Honduras and Mexico

► SSN supports this proposal.

1 "*The proponents have not clearly defined how they interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases, as requested at the 58th meeting of the Standing Committee (Geneva, July 2009)*."

This statement appears to be in direct contradiction of an earlier statement by the Secretariat in the assessment that, "*The supporting statement gives detailed and specific information and references on most aspects of Resolution Conf. 9.24 (Rev. CoP14)*." SSN agrees with the former statement, noting that the proposal provides substantial information on the status and trade of the relevant species.

Complying with a request from the Standing Committee is not a requirement of the CITES listing criteria. Further, SSN is concerned that the Parties have in any case not received an official communication of this request via a Notification (no summary record of SC58 has been released).

Proposal 14: *Neurergus kaiseri* – Inclusion in Appendix I.
Proponent: Islamic Republic of Iran

► SSN supports this proposal.

1. "*The supporting statement gives comprehensive information on the species taxonomy, distribution, habitat and biological characteristics. However, it provides no information on the available habitat, such as estimated length/surface of suitable habitat*."

The proposal states that the species' range is limited to only four highland streams (in a single catchment area) in the southern Zagros Mountains in southern Iran with an area of occupancy of less than $10km^2$.

2. "*The species may meet the biological criteria A ii) and iii) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14). Although the wild population has a restricted area of distribution, the supporting statement gives little information about the factor mentioned in subparagraphs i), iii) or iv) of paragraph B in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14), nor is a marked decline in terms of paragraph C of the same Annex described*."

SSN disagrees with this statement. Regarding paragraph B in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14), we note that: populations are "severely fragmented" (IUCN 2009) *and* occur at very few locations (i); the species is highly vulnerable to the presence of invasive cyprinid fish which are known to prey upon *Neurergus* eggs and larvae ; a future decline may be inferred from habitat loss due to the expansion of warm water from Lake Dez Dam (iii); and the species has experienced a drastic population decline, estimated to be more than 80% over within ten years, because of overcollection for the pet trade (iv and paragraph C of the same Annex) (IUCN 2009).

3. "*Very few trade records exist for* N. kaiseri*. Several sources indicate that this species is being exported to European countries and to Japan in violation of national law. Live specimens are said to be smuggled out of the Islamic Republic of Iran, probably via Azerbaijan, the Russian Federation and Ukraine. Captive breeding of N. kaiseri has rarely been scientifically documented, but captive-bred animals are being offered for sale at much lower prices than the wild-taken specimens.*"

Live specimens of *N. kaiseri* (originating from illegally collected stock) are widely available in the international pet trade via the Internet. Wild-caught specimens of Kaiser's spotted newt are offered for sale in North America, Europe and Japan and can be purchased on the internet for as much as USD320 each. In December 2004, 50 specimens (about 5% of the known wild population) were offered on a Canadian website (TRAFFIC North America, 2006). Regular shipments of wild-caught specimens to North America and Europe have been made in successive years by a dealer in Ukraine (http://www.bion.com.ua/stocklist/). According to the proposal, this dealer exported 200 specimens in 2005, and they were expecting to have approximately 250 more available by January 2006. A wholesale trader in France offers specimens for 135 euro each (http://www.lafermetropicale.com/). A German trader has been offering this species every year since 2005 (http://www.tropenparadies.org/) and has announced that wild-caught adults and captive-bred juveniles will be available for sale in 2010.

4. "*No management measures for* N. kaiseri *exist and its habitat is not protected. The proponent provides no information on measures taken to combat illegal trade, including the cooperation*

with other countries. Nor does it mention if inclusion of this species in Appendix III has been considered."

In regard to national measures, Resolution Conf. 9.24 (Rev. CoP14) merely requires a proponent seeking to list a species on Appendix I to report on the legal instruments in place nationally and internationally to manage this species and its habitat, and their success. Although a proponent should, for conservation reasons, make every effort possible to conserve a species proposed for listing, Resolution Conf. 9.24 (Rev. CoP14) provides no basis for using management efforts, or the lack of such efforts, to call into question the validity of the listing proposal. There is also no requirement that Appendix II or III be considered if it is determined that an unlisted species already qualifies for Appendix I under the biological and trade criteria of Resolution Conf. 9.24 (Rev. CoP14).

5. "*With regard to paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14), the proponent has not clearly defined how it interpreted and applied Resolution Conf. 9.24 (Rev. CoP14) using sound and relevant scientific information, and recognizing flexibility and data-poor cases as requested at the 58th meeting of the Standing Committee (Geneva, July 2009)*."

SSN has addressed the Secretariat's concerns regarding paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP14) under statement 2 above. Complying with a request from the Standing Committee is not a requirement of the CITES listing criteria in Resolution Conf. 9.24. Furthermore, Parties do not have access to a summary record of the 58th meeting of the Standing Committee (it is not posted on the CITES website), nor have they been officially informed (such as through a Notification to the Parties) that the Standing Committee has made such a request. Therefore, this criticism of the proposal is unwarranted.

Proposal 15: *Sphyrna lewini*, *S. mokarran, S. zygaena, Carcharhinus plumbeus, C. obscurus* – Inclusion in Appendix II with the following annotation:
"The entry into effect of the inclusion of these species in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."
Proponent: Palau and United States of America

► SSN supports this proposal and notes that the FAO Panel also supports listing of the three *Sphyrna* spp.

1. "*The information in the supporting statement is rather unbalanced. In some aspects, the proponents give very detailed information that is rather difficult to assess. On the other hand, the supporting statement does not provide basic information such as the size, sex structure and reproductive capacity of* S. lewini*."*

Most species of shark are currently not managed by domestic and regional fishery management bodies. When managed, sharks are often managed in broad categories rather than species-specific ones. Stock assessments have not been completed for most species of shark. Catches are often unreported, especially when only fins are taken and the rest of the shark is discarded at sea. This makes the establishment of a baseline level population difficult. However, this species is categorized as Endangered by IUCN (2009) and meets the criteria for inclusion in Appendix II, especially bearing in mind the precautionary measures in Annex 4 of Resolution 9.24 (Rev. CoP14), because it is internationally traded and the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future.

2. "*Specific information about overall quantities of imports or exports is not available.*."

Many shark fishing and trading countries do not require imports and exports to be noted to the species level. Inclusion of the species in Appendix II would provide the ancillary benefit of substantially increasing species-specific data on a trade widely reported to be significant.

3. "*Information on the difficulties of distinguishing fins of S. lewini from the other species mentioned in the proposal, and indeed from other species of sharks, is rather sketchy. Fins from the species proposed for inclusion in Appendix II are said to be morphologically similar, being thin and falcate with the dorsal fin height longer than its base. The supporting statement does not address the identification problems for parts and derivatives such as leather, liver oil, jaws and teeth.*"

The proponents are proposing an 18 month delay on the entry into effect of the inclusion of this species in Appendix II to allow Parties to resolve technical and administrative issues prior to its implementation. The Secretariat notes that this seems sensible. Genetic identification tools are already available. Guides and other technical support will be developed before the end of that period.

4. "*The table in paragraph 10 includes information from some Parties that do not appear to be range States and gives no information on consultation with some major shark fishing countries. The support indicated does not seem to reflect the actual responses from some range States.*"

We understand that the United States contacted all range States and other countries well in advance of the deadline for submitting proposals; however some countries did not reply in time. The United States included in the proposal all replies that were received prior to the deadline. Obviously consultations by the proponents are ongoing. Sharks are highly migratory, wide ranging marine species and therefore the list of range States is quite long.

Proposal 16: *Carcharhinus longimanus* – Inclusion in Appendix II with the following annotation:
"The entry into effect of the inclusion of *Carcharhinus longimanus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."
Proponent: Palau and United States of America

► SSN supports this proposal.

1. "*There are no stock assessments available for this species and, as such, the population size of* C. longimanus *is unknown.*"

Most species of shark are currently not managed by domestic and regional fishery management bodies. When managed, sharks are often managed in broad categories rather than species-specific ones. Stock assessments have not been completed for most species of shark. Catches are often unreported, especially when only fins are taken and the rest of the shark is discarded at sea. This makes the establishment of a baseline level population difficult. However, the IUCN classifies the Northwest Atlantic and Western Central Atlantic populations (for which data exist) as Critically Endangered, while the global population (for which data are scarce) as Vulnerable. In IUCN's estimation, if data from areas outside the Northwest and Western Central Atlantic were available, the global population would probably be shown to have experienced declines similar to those of the Northwest and

Western Central Atlantic, since fisheries for the species are similar in both areas. In other words, it is likely that the species meets the definition of Critically Endangered throughout most of its range.

2. "*The proponents claim that, despite the lack of reliable data, information on the trade in* C. longimanus *fins can be obtained by examination of the Hong Kong SAR fin market one of the most important in global trade in shark fins generally. However, Hong Kong SAR shark fin traders use different market categories that do not correspond to the ones used in the principal market, mainland China. This makes it very difficult to assess the amount of fins from* C. longimanus *traded globally. The estimate provided in the supporting statement (220,000-1,210,000 in the year 2000) is very broad and may be interpreted in different ways.*"

The fins of this species have very distinctive white tips and are therefore very easy to identify from those of other species. Genetic identification tools are also available and have been used to verify identification by sight. According to a study of the fin trade (Clarke 2006), fins from this species, "are highly distinct and showed a 100% concordance with their hypothesized market match. Given the ease of morphological identification of these fins by traders, the best estimate of oceanic whitetip sharks' contribution to the trade (1.8% [1.6–2.1%]) is likely more accurate than other species because these fins are less likely to be inadvertently sorted into other categories."

3. "*It is not clear from the supporting statement which range States were contacted in the consultation process. The table in paragraph 10 seems to include information from some Parties that are not range States and gives no information on consultation with some major shark fishing countries. In general, Parties that were consulted are undecided about the proposal*."

We understand that the United States contacted all range States and other countries well in advance of the deadline for submitting proposals, however some countries did not reply in time. The United States included in the proposal all replies that were received prior to the deadline. Obviously consultations by the proponents are ongoing. Sharks are highly migratory, wide ranging marine species and therefore the list of range States is quite long.

Proposal 17: *Lamna nasus* – Inclusion in Appendix II with the following annotation:
"The entry into effect of the inclusion of *Lamna nasus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the possible designation of an additional Management Authority and adoption of Customs codes."
Proponent: Palau and Sweden on behalf of the European Community

► SSN supports this proposal.

1. "*Elsewhere in the supporting statement, however, mention is made of "the three-generation period against which recent declines should be assessed", but in Resolution Conf. 9.24 (Rev. CoP14), this applies to terrestrial species. Recent marked declines for commercially exploited aquatic species should be assessed against the guideline in the footnote to the definition of decline in Annex 5 to the Resolution*."

The decline still meets the criteria for an Appendix II listing. In fact, the FAO Ad Hoc Expert Panel supports the proposal. According to this panel, "*when evaluated on a population by population basis, the historically large Porbeagle populations in the north Atlantic (northeast and northwest) and Mediterranean were considered to meet the Appendix II decline criterion*."

2. "*… the Secretariat notes, that the amount of meat in trade is not quantified, nor the extent to which this trade is international, rather than national or within the European Union. Furthermore, while demand for fresh, frozen and processed meat is said to be sufficiently high to justify the existence of an international market, little evidence is provided to support this.*"

Many shark fishing and trading countries do not require imports and exports to be noted to the species level. However, due to the high market value of both the meat and fins of this species, international trade is likely to play a substantial role in population declines. In December of last year, the European Union agreed to a full ban on catches of the species. As a result, international trade is likely to increase in order to meet European demand if not properly regulated. Inclusion of the species in Appendix II would also provide the ancillary benefit of substantially increasing species-specific data on a trade widely known to be significant.

Proposal 18: *Squalus acanthias* – Inclusion in Appendix II with the following annotation: "The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the development of stock assessments and collaborative management agreements for shared stocks and the possible designation of an additional Scientific or Management Authority." Proponent: Palau and Sweden on behalf of the European Community

► SSN supports this proposal.

1. "*Although the proponents make reference to improved means of identifying specimens of this species in trade, it is likely that controlling the international trade in specimens of* S. acanthias *would be challenging and would require training and identification support.*"

The proponents are proposing an 18 month delay on the entry into effect of the inclusion of this species in Appendix II, to allow Parties to resolve technical and administrative issues prior to its implementation. The Secretariat notes that this seems sensible. Genetic identification tools are already available. Guides and other technical support will be developed before the end of that period.

Proposal 19: *Thunnus thynnus* – Inclusion in Appendix I.
Proponent: Monaco

► SSN supports this proposal.

1. "*In relation to Atlantic bluefin tuna, the supporting statement says that the species is said to have exhibited a historical decline to 10-20 % of its virgin biomass, although the latter is not explained further.*"

"*The supporting statement does not attempt to combine these figures [on the two stocks] to assess whether the species as a whole has undergone a marked historical decline to 15-20 % of baseline level of abundance (for a low productivity species) in line with the guidance in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14).*"

Regarding further information, SSN notes that during their meeting in October 2009, ICCAT's Standing Committee on Research and Statistics (SCRS) confirmed that there is virtual certainty (96% probability) that the 2009 Spawning Stock Biomass (SSB) of the

eastern stock of Atlantic bluefin tuna has fallen to less than 15% of its long term potential (equivalent to "historical abundance"). The SCRS also found that there is greater than 90% probability that the SSB of the western stock of the species is less than 15% of long term potential (ICCAT Doc. No. PA2-604 / 2009). This is well within the suggested guideline of 5-20% of baseline for a marked recent rate of decline for a commercially exploited aquatic species given in RC 9.24 (Rev. CoP14).

The proposal does not attempt to combine figures for the two stocks as they have overlapping distributions in the Northern Atlantic.

Proposal 20: *Dynastes satanas* – Inclusion in Appendix II.
Proponent: Plurinational State of Bolivia

►SSN has no opinion on this proposal. SSN notes that the name of this species is sometimes given as *Dynastes satanus*.

1. *"Although the species appears to be restricted to a relatively small area of the Plurinational State of Bolivia, very little specific information is presented on the size of the wild population, area of distribution or any population declines."*

SSN concurs with the Secretariat that the proposal contains very little information that would allow Parties to assess the status of this species.

2. *"The proponent is undertaking studies on the biology and population status of the species. It explains that, since this is an endemic taxon with a very reduced and fragmented habitat, it is inferred that populations in the wild are small."*

Other than information on distribution, the only data on population in the proposal is a statement that in a 2008 study 500-600 adults were captured using two traps in a single locality over a five-night period. Without details of the study or comparison to similar studies for related species (which do not appear to exist) it is extremely difficult to interpret this figure as a guide to status: the species could be abundant in its limited range, or perhaps the trapping technique attracted individuals of a rare species from a great distance.

3. *"No legal trade exists in this species, although there seems to be a strong demand in the international market for specimens of* D. satanas *as pets, for entomologists, collections and captive-breeding operations."*

The proposal contains little information on trade in this species. SSN has, however, obtained some further information:

According to http://www-museum.unl.edu/research/entomology/Guide/Scarabaeoidea/Scarabaeidae/Dynastinae/Dynastinae-Tribes/Dynastini/Dynastes/D-satanus/Dsatanus.html, "*Dynastes satanus* is infrequently seen and a limited number of specimens have been collected since *D. satanus* was described by Moser (1909). Biological and ecological information on this species is non-existent. However, in order to supply the highly coveted specimens for collections around the world, Japanese beetle enthusiasts are rearing *D. satanus* in captivity." The species is considered "easy to breed" at http://www.insectnet.com/dcforum/DCForumID8/426.html. Larvae are available for sale at a Japanese website (http://tutugamusi.ocnk.net/product/28) at 12 euro, and a Taiwanese website (http://screw-wholesale.myweb.hinet.net/) at USD48.

Dead specimens are available for sale on the internet. For example, a specimen offered on eBay carries an asking price of 76 euro, and http://www.entomopro.com/index.php/4121-en.html offers one for US$200 (see similar prices at http://www.insect-sale.com/shop/store.asp?Item=Dynastidae&Code=Dy45). Thorne's Insect Shoppe in London, Ontario, Canada offers the species at USD375 (http://www.thornesinsects.com/catalog-insect-1139481/Dynastes_satanas_). Ken Thorne, the proprietor, informed SSN by telephone that he currently has about seven specimens on hand, and that these originated from a Peruvian dealer with data indicating their origin as Cochabamba, Bolivia. Mr. Thorne admits his price is high; he paid the dealer approximately 50% of his current asking price for the specimens, but has found them difficult to sell and has had them in stock for approximately two years.

4. *"Seven other species are mentioned as look-alike taxa, although whether this fact would complicate an Appendix-II listing of* D. satanas *is not specified."*

The other seven species are the remaining species in the genus *Dynastes*, including the well-known Hercules beetle, *D. hercules*. They are not proposed for listing as look-alike species, and the proposal contains no information as to the difficulty in distinguishing them from *D. satanas* or from each other. For general information on the genus see http://www-museum.unl.edu/research/entomology/Guide/Scarabaeoidea/Scarabaeidae/Dynastinae/Dynastinae-Tribes/Dynastini/Dynastes/Dynastes.html .

Although SSN is concerned that the information presented in this proposal does not give a clear picture of the status of this species, we commend the government of Bolivia for bringing it forward and encourage Bolivia to list the species on Appendix III without delay. We encourage the Parties to take this opportunity to direct the Animals Committee to study the trade in beetles generally, and in the members of this genus in particular, to determine if CITES can play a role in their conservation, including the preparation of appropriate listing proposals for CoP16. Should the current proposal be accepted, the Animals Committee should be specifically directed to determine if other *Dynastes* spp. should be proposed for listing at CoP16 under Article II.2 (b) of the Convention.

SSN notes that, at present, there are no species of beetles listed on either Appendix I or Appendix II despite the fact that international trade in beetles as collector's items is very large and, in some cases, prices are high. Though much of the trade may be supplied by captive-bred specimens, there may be a number of large ornamental species for which trade is having a detrimental impact, and for which CITES may be able to play a useful role.

Proposal 21: Coralliidae spp. (*Corallium* spp. and *Paracorallium* spp.) – Inclusion of all species in the family in Appendix II with the following annotation:
"The entry into effect of the inclusion of species in the family Coralliidae in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."
Proponent: Sweden on behalf of the European Community and United States of America

► SSN supports this proposal and agrees with the Secretariat's assessment.

Proposal 22: *Operculicarya decaryi* – Inclusion in Appendix II.
Proposal 23: *Operculicarya hyphaenoides* – Inclusion in Appendix II.
Proposal 24: *Operculicarya pachypus* – Inclusion in Appendix II.
Proponent: Madagascar

► SSN supports these proposals.

While the Secretariat notes that these proposals may be lacking in certain information, SSN commends Madagascar for submitting them and notes that all three species are endemic to Madagascar, have small populations, and are in high demand for international trade. In regard to *Operculicarya hyphaenoides* and *Operculicarya pachypu,* Madagascar states that these species meet the criteria for listing in the IUCN Redlist as Endangered and Critically Endangered, respectively.

Proposal 25: CACTACEAE spp. and all taxa with annotation #1 – Delete annotations #1 and #4 and replace them both with a new annotation for plant taxa listed in Appendix II.
Proponent: Mexico and United States of America, on behalf of the Plants Committee

► SSN supports this proposal.

1. "*The Secretariat believes the wording in the proposed annotation could be simplified to avoid making reference to what, confusingly, is an exception of an exception (though the Secretariat recognizes this formulation appears in other annotations), with the following:*

"Designates all parts and derivatives, except: a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico;"'

> SSN agrees with the Secretariat and believes that this proposed text is more suitable than the double negative in the proposal.

Proposal 26: *Zygosicyos pubescens* – Inclusion in Appendix II.
Proposal 27: *Zygosicyos tripartitus* – Inclusion in Appendix II.
Proponent: Madagascar

► SSN supports these proposals.

While the Secretariat notes that these proposals may be lacking in certain information, SSN commends Madagascar for submitting them proposals and notes that both species are endemic to Madagascar, have small populations, and are in high demand for international trade. In regard *Zygosicyos pubescens,* Madagascar states that this species meets the criteria for listing in the IUCN Redlist as Endangered.

Proposal 28: *Euphorbia misera* – Deletion from Appendix II.
Proponent: Mexico and United States of America

► SSN opposes this proposal.

1. "*The present proposal appears to demonstrate that* E. misera *is not affected by trade as defined in Annex 5 to Resolution Conf. 9.24 (Rev. CoP14). In line with the precautionary measure in paragraph A 4 of Annex 4 to Resolution Conf. 9.24 (Rev. CoP14), it seems unlikely that, were it*

to be deleted from Appendix II, it would qualify again for inclusion in the Appendices in the near future."

> Although there may be little reason to retain this species on the Appendices as international trade in wild specimens is minimal to nonexistent (although harvest for local use occurs in Mexico), the Plants Committee has yet to discuss this species as part of its review of succulent Euphorbia spp.; although USA submitted a document (Annex 3 of PC18 Doc. 16.1.2) on this species, the Plants Committee was not able to discuss it. SSN believes that delisting should be deferred until after the Plants Committee review, particularly to confirm that no look-alike problems exist, particularly with species outside of USA and Mexico.

Proposal 29: *Aniba rosaeodora* – Inclusion in Appendix II with the following annotation: "#11 Designates logs, sawn wood, veneer sheets, plywood and essential oil."
Proponent: Brazil

► SSN supports this proposal and agrees with the Secretariat's assessment. Regarding the Secretariat's comment regarding annotation of this listing, we believe that the current wording of annotation #11 ("Logs, sawn wood, veneer sheets, plywood, powder and extracts.") is appropriate for this species as it would require trade in essential oil to be regulated under the Convention.

Proposal 30: *Senna meridionalis* – Inclusion in Appendix II.
Proponent: Madagascar

► SSN supports this proposal.

While the Secretariat notes that this proposal may be lacking in certain information, SSN commends Madagascar for submitting it and notes that this species is endemic to Madagascar, the wild population is small with few mature plants and that Madagascar characterizes the species as vulnerable.

Proposal 31: ORCHIDACEAE spp. included in Appendix I – Amend the annotation to the listing of Orchidaceae included in Appendix I.

► SSN supports this proposal and agrees with the Secretariat's assessment.

Proposal 32: *Beccariophoenix madagascariensis* – Inclusion of the seeds of the species in Appendix II.
Proposal 33: *Dypsis decaryi* [According to the standard nomenclatural reference adopted by the Conference of the Parties, this species is named *Neodypsis decaryi*] – Inclusion of the seeds of the species in Appendix II.
Proponent: Madagascar

► SSN supports these proposals.

While the Secretariat notes that these proposals may be lacking in certain information, SSN commends Madagascar for submitting them, both of which are a request to amend the current annotation to the listing of these species in Appendix II (#1, which removes seeds from CITES controls) so that trade in seeds will be regulated under the listing. SSN notes that *Beccariophoenix madagascariensis* is Critically Endangered (IUCN 2009); of 3 sub-populations studied only 16 mature plants were found in one location while, on average, only 10 mature plants were found at other sites. *Dypsis decaryi* is classified as Vulnerable (IUCN 2009).

Proposal 34: *Adenia firingalavensis* – Inclusion in Appendix II.
Proposal 35: *Adenia olaboensis* – Inclusion in Appendix II.
Proposal 36: *Adenia subsessifolia* [According to the standard nomenclatural reference adopted by the Conference of the Parties, this species is named *Adenia subsessilifolia*] – Inclusion in Appendix II.
Proponent: Madagascar

► SSN supports these proposals.

While the Secretariat notes that these proposals may be lacking in certain information, SSN commends Madagascar for submitting them and notes that all three species are endemic to Madagascar, have small population sizes, are in high demand for international trade, and are considered vulnerable due to trade and habitat destruction.

Proposal 37: *Orothamnus zeyheri* – Deletion from Appendix II.
Proponent: South Africa

► SSN supports this proposal with concerns.

1. *"The proponent states that the extremely attractive flowers of* O. zeyheri*, and their exceptional lasting quality, made it a highly sought after cut-flower and the species was certainly be used by the cut-flower trade."*

> According to the account at http://protea.worldonline.co.za/marsh.htm, "As a cut flower, the Marsh Rose is esteemed for its exceptional lasting qualities in a vase: an inflorescence will keep perfectly for over a month. Consequently, it was probably heavily picked by flower traders, who sold their produce in the flower market in Adderley Street for 200 years until the picking of wild flowers was restricted by the permit system after the Second World War."

2. *"According to the proponent, strict controls ensure that no harvesting from the wild takes place and that management measures for* O. zeyheri *have been extremely successful in ensuring the continued existence of strong viable populations in the wild. Nevertheless, the supporting statement is somewhat contradictory in this regard, stating that "the depredations of flower pickers resulted in the marked decline of populations", but this remark may be made in a historical context."*

> Apparently this is the case; an entire colony was once wiped out by a single collector, but this appears to have been well prior to 1968 when conservation measures for the species began in earnest. By that time the species was already extremely rare, partly because it was not realized that it required fire to regenerate.

3. *"According to the proponent, a great deal of research has been done on the propagation of genus* Orothamnus *and it would be quite feasible to set up a commercial propagation programme to satisfy any demands for flowers or plants. However, the supporting statement gives no information on whether any such operation exists, nor does it provide an estimate of potential demand for* O. zeyheri *on the international market."*

> Although SSN supports the deletion of this species from the Appendices, we remain concerned that this will, according to the proposal, be accompanied by a lowering of the species' status under South African domestic legislation. We urge the government of South

Africa to address this matter should the proposal be accepted, especially if there is the smallest chance that a commercial propagation programme could re-stimulate demand for the species and, possibly, threaten wild populations.

Proposal 38: *Protea odorata* – Deletion from Appendix II.
Proponent: South Africa

► SSN supports this proposal with concerns.

1. "Protea odorata *was included in CITES Appendix I in 1975 and transferred to Appendix II in 1997. The proponent states that this species was included in Appendix I because of an initial misunderstanding by the South African Management Authorities regarding the purpose of CITES."*

Protea odorata was listed on the Appendices at the time of the first Meeting of the Conference of the Parties, before the development of selection criteria other than presence on various endangered species lists. It is unlikely that South Africa was any less clear as to the nature of the Convention at that time than other Parties. Many of the species listed at that time have since been shown to have aroused no trade interest, and have been deleted from the Appendices under the original Ten-Year Review.

2. According to the proponent, since the species has fairly nondescript and very small flowers, it has not attracted much attention from the horticultural or cut-flower trade. The only attempt of artificial propagation was abandoned because there was no demand for the species cut-flowers. There is no record in the CITES trade database of any trade in P. odorata*. The main threats to P. odorata have been the loss of habitat to agriculture and the invasion of the remaining remnants of habitat by the alien* Acacia saligna*.*

At the time of the original proposal to transfer the species from Appendix I to Appendix II a representative of SSN visited one of the few remaining stands, and can confirm that this is one of the less ornamental members of the genus and is unlikely to be the object of strong trade demand. The threats to this species are entirely related to loss of habitat, including deliberate destruction of stands in private hands (see also http://protea.worldonline.co.za/prodor.htm).

3. The proponent also states that there is adequate domestic legislation to protect the species, but the supporting statement gives no information on safeguards and management measures for P. odorata*.*

Although SSN supports the deletion of this species from the Appendices, we remain concerned that this will, according to the proposal, be accompanied by a lowering of the species' status under South African domestic legislation. We urge the government of South Africa to address this matter should the proposal be accepted.

Proposal 39: *Cyphostemma elephantopus* – Inclusion in Appendix II.
Proposal 40: *Cyphostemma laza* – Inclusion in Appendix II.
Proposal 41: *Cyphostemma montagnacii* – Inclusion in Appendix II.
Proponent: Madagascar

► SSN supports these proposals.

While the Secretariat notes that these proposals may be lacking in certain information, SSN commends Madagascar for submitting them and notes that all three species are endemic to Madagascar, have small populations, and are in high demand for international trade. In regard to *Cyphostemma elephantopus* and *Cyphostemma laza,* Madagascar states that these species meet the criteria for listing in the IUCN Redlist as Vulnerable and that *Cyphostemma montagnacii,* which is very rare and concentrated geographically in one area, meets the criteria for listing as Critically Endangered.

Proposal 42: *Bulnesia sarmientoi* – Inclusion in Appendix II with the following annotation: "#11 Designates logs, sawn wood, veneer sheets, plywood, powder and extracts."
Proponent: Argentina

► SSN supports this proposal and agrees with the Secretariat's assessment.

--Prepared on 12 January 2010

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